

AMENDED IN SENATE AUGUST 22, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 12, 2006

AMENDED IN ASSEMBLY MAY 15, 2006

AMENDED IN ASSEMBLY APRIL 18, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2823

Introduced by Assembly Member Ruskin

February 24, 2006

An act to amend Section 42421 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2823, as amended, Ruskin. Air pollution: district compliance programs.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law permits a district to establish by regulation a permit system, as provided. Existing law also requires each district with a population of one million or more to establish a compliance program consisting of specified elements, including procedures to

ensure the consistent issuance of notices of compliance and notices of violations.

This bill would ~~extend the compliance program requirement to~~ require any district that has a population of ~~500,000~~ 1,000,000 or more, ~~and would require these districts,~~ for any notice of violation of specified nuisance laws or regulations, to post a copy of the notice of violation on the district's Internet Web site, to provide a copy of the notice of violation to the state board, the city and county where the violation occurred, and other appropriate governmental entities, to notify the superintendent of an affected school district, to place a notice of the violation in a newspaper for one time, and to post a laminated copy of the notice of the violation on each side of the violating facility, as specified, no more than 2 days after ensuring that the information on the notice is accurate, thereby imposing a state-mandated local program. *The bill would require any person who violates specified nuisance laws or regulations to pay these costs.*

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42421 of the Health and Safety Code is
2 amended to read:
3 42421. Each district that has a population of ~~500,000~~
4 1,000,000 or more shall do both of the following:
5 (a) Establish a compliance program that shall consist of all of
6 the following elements:
7 (1) Procedures to ensure the consistent issuance of notices of
8 compliance and notices of violations.
9 (2) A compliance assistance program to provide information to
10 small businesses with regard to statutes and district rules and
11 regulations to which they are subject and to assist them in
12 identifying the most efficient and least costly means of
13 complying with those statutes and rules and regulations.

1 (3) Settlement agreement procedures whereby persons who are
2 in violation of those statutes or district rules or regulations may
3 agree to take actions to improve air quality in lieu of paying
4 monetary fines or penalties.

5 (b) For any notice of violation of Section 41700 or any district
6 regulation for public nuisance, the district shall, no more than
7 two days after *the completion of the settlement process described*
8 *in paragraph (3) of subdivision (a) and after* ensuring that the
9 information on the notice is accurate, take all of the following
10 actions:

11 (1) Post a copy of the notice of violation on its Internet Web
12 site for a period of not less than one year after the violator has
13 been determined by the district to be in compliance.

14 (2) Provide a copy of the notice of violation to the state board,
15 the city and county where the violation occurred, and to other
16 appropriate governmental entities as determined by the district.

17 (3) If a violation has occurred within 1,000 feet of a school,
18 notify the superintendent of the school district that oversees the
19 affected school.

20 (4) Pursuant to Section 6061 of the Government Code, place a
21 notice of the violation in English and in any other language
22 commonly spoken in the area where the violation occurred, in a
23 free, community-based newspaper where possible, or a
24 newspaper of general circulation in the area of the violation, if
25 there are no free, community-based newspapers.

26 (5) Post a laminated copy of the notice of the violation that is
27 at least 24 inches by 24 inches in size and uses at least a 24-point
28 font in a prominent location on each side of the violator's facility
29 that faces a street or other area that is accessible to the public.
30 This notice shall be in a brightly colored font or on brightly
31 colored paper where possible, or both. If the facility is fenced,
32 these notices shall be attached to the fence on each side of the
33 facility that is visible to the public. These notices shall be
34 removed by the district on a regular business day approximately
35 30 days after the posting of the notice. In lieu of a district
36 removing the notices, a district may authorize the violator to
37 remove the notices not less than 30 days after the posting of the
38 notices.

39 (c) *Any person who violates Section 41700 or any district*
40 *regulation for public nuisance for which a notice of violation has*

1 *been issued, shall pay, or reimburse the district for, the costs of*
2 *the postings required by subdivision (b).*

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of
8 Section 17556 of the Government Code.